

Senate Bill No. 1700

Passed the Senate August 31, 1998

Secretary of the Senate

Passed the Assembly August 28, 1998

Chief Clerk of the Assembly

This bill was received by the Governor this ____ day
of _____, 1998, at ____ o'clock __M.

Private Secretary of the Governor

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CHAPTER ____

An act to amend Sections 13825.2, 13825.4, and 13825.6 of the Penal Code and to amend Section 1915 of the Welfare and Institutions Code, relating to crime prevention, and making an appropriation therefor, and declaring the urgency therefor, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1700, Hayden. Crime prevention: the California Gang, Crime, and Violence Prevention Partnership Program: tattoo removal program.

(1) Existing law requires the Department of Justice to administer the California Gang, Crime, and Violence Prevention Partnership Program, pursuant to which the department is required to disburse any appropriated funds to community organizations and nonprofit agencies for prevention and intervention activities for at-risk youth.

This bill would specify that all state and local juvenile detention facilities, including, but not limited to, facilities, juvenile halls, youth ranches, and youth camps of the Department of the Youth Authority, shall be considered eligible to receive services through the community-based organizations or agencies operating programs under the California Gang, Crime, and Violence Prevention Partnership Program, and would exempt providers of programs in these facilities from specified requirements.

(2) Existing law provides funding for the California Gang, Crime, and Violence Prevention Partnership Program, and specifies that up to 2% of the appropriated amounts shall be transferred each year for expenditure for the Department of Justice to administer and evaluate the program, and up to 3% of the appropriated amounts shall be transferred each year for expenditure for the department to provide technical assistance to community-based organizations and nonprofit agencies providing services under this program.



This bill would specify that the appropriated amounts transferred each year for expenditure for the department under the above provision would instead be 2% and 3%, respectively, rather than up to 2% and 3%.

(3) The existing Youth Authority Act provides for the detention and confinement of youthful offenders by the Department of the Youth Authority and requires the department to purchase 2 medical devices that utilize a laser to remove a tattoo from a person's skin and to place one in Los Angeles County and one within any of specified San Francisco Bay area counties, selected as specified in consultation with the Office of Criminal Justice Planning (OCJP) and the Peace Process Task Force.

This bill would delete the requirement that the selection of sites for the laser devices be made in consultation with the Office of Criminal Justice Planning and the Peace Process Task Force, and instead be made through a competitive bidding process. The bill would also provide criteria for the selection of community groups by OCJP and appropriate \$480,000 from the General Fund to be allocated as specified for the purchase or lease of 4 tattoo devices and maintenance agreements, for the department to contract with health care providers, and to the department for the administrative costs of the tattoo removal program.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 13825.2 of the Penal Code is amended to read:

13825.2. (a) The California Gang, Crime, and Violence Prevention Partnership Program shall be administered by the Department of Justice for the purposes of reducing gang, criminal activity, and youth violence to the extent authorized pursuant to this chapter in communities with a high incidence of gang violence,



including, but not limited to, the communities of Fresno, Glendale, Long Beach, Los Angeles, Oakland, Riverside, Santa Ana, Santa Cruz, San Bernardino, San Diego, San Jose, San Francisco, San Mateo, Santa Monica, and Venice. The department shall also consider communities that meet any one of the following criteria:

(1) An at-risk youth population, as defined in subdivision (c) of Section 13825.4, that is significantly disproportionate to the general youth population of that community.

(2) A juvenile arrest rate that is significantly disproportionate to the general youth population of that community.

(3) Significant juvenile gang problems or a high number of juvenile gang-affiliated acts of violence.

(b) All state and local juvenile detention facilities, including, but not limited to, facilities, juvenile halls, youth ranches, and youth camps of the Department of the Youth Authority, shall also be considered eligible to receive services through community-based organizations or nonprofit agencies that are operating programs funded under this chapter.

SEC. 2. Section 13825.4 of the Penal Code is amended to read:

13825.4. Community-based organizations and nonprofit agencies that receive funds under this chapter shall utilize the funds to provide services and activities designed to prevent or deter at-risk youth from participating in gangs, criminal activity, or violent behavior.

(a) These prevention and intervention efforts shall include, but not be limited to, any of the following:

(1) Services and activities designed to do any of the following:

(A) Teach alternative methods for resolving conflicts and responding to violence, drugs, and crime.

(B) Develop positive and life-affirming attitudes and behaviors.

(C) Build self-esteem.

(2) Recreational, educational or cultural activities.



(3) Counseling or mentoring services.

(4) Economic development activities.

(b) Funds allocated under this chapter may not be used for services or activities related to suppression, law enforcement, incarceration, or other purposes not related to the prevention and deterrence of gangs, crime, and violence.

Nothing in this paragraph shall prevent funds allocated under this chapter from being used for violence prevention and gang crime deterrence services provided by community-based organizations and nonprofit agencies to youths incarcerated in juvenile detention facilities.

(c) Services and activities provided with funds under this chapter shall be used for at-risk youth who are defined as persons from age 5 to 20 years of age and who fall into one or more of the following categories:

(1) Live in a high-crime or high-violence neighborhood as identified by local or federal law enforcement agencies.

(2) Live in a low-economic neighborhood as identified by the U.S. Census or come from an impoverished family.

(3) Are excessively absent from school or are doing poorly in school as identified by personnel from the youth's school.

(4) Come from a socially dysfunctional family as identified by local or state social service agencies.

(5) Have had one or more contacts with the police.

(6) Have entered the juvenile justice system.

(7) Are identified by the juvenile justice system as being at risk.

(8) Are current or former gang members.

(9) Have one or more family members living at home who are current or former members of a gang.

(10) Are identified as wards of the court, as defined in Section 601 of the Welfare and Institutions Code.

(d) Except as provided in subdivision (e), in carrying out a program of prevention and intervention services and activities with funds received under this chapter,



community-based organizations and nonprofit agencies shall do all of the following:

(1) Collaborate with other local community-based organizations, nonprofit agencies or local agencies providing similar services, local schools, local law enforcement agencies, residents and families of the local community, private businesses in the local community, and charitable or religious organizations, for purposes of developing plans to provide a program of prevention and intervention services and activities with funds provided under this chapter.

(2) Identify other community-based organizations, nonprofit agencies, local agencies, and charitable or religious organizations in the local community that can serve as a resource in providing services and activities under this chapter.

(3) Follow the public health model approach in developing and carrying out a program to prevent, deter or reduce youth gangs, crime or violence by (A) identifying risk factors of the particular population to be targeted, (B) implementing protective factors to prevent or reduce gangs, crime or violence in the particular community to be serviced, and (C) designing community guidelines for prevention and intervention.

(4) Provide referral services to at-risk youth who are being served under this chapter to appropriate organizations and agencies where the community-based organization or nonprofit agency can readily identify a need for counseling, tutorial, family support, or other types of services.

(5) Provide the parents and family of the at-risk youth with support, information, and services to cope with the problems the at-risk youth, the parents, and the family are confronting.

(6) Involve members of the at-risk target population in the development, coordination, implementation, and evaluation of their program of services and activities.

(7) Objectively evaluate the effectiveness of their services and activities to determine changes in attitudes



or behaviors of the at-risk youth being served under this chapter towards gangs, crime, and violence.

(e) Providers of programs that operate in juvenile detention facilities shall not be required to meet the criteria specified in paragraph (5) of subdivision (d) for those programs offered only in those facilities.

SEC. 3. Section 13825.6 of the Penal Code is amended to read:

13825.6. Funding for the California Gang, Crime, and Violence Prevention Partnership Program shall be subject to the following:

(a) 2 percent of the amounts appropriated in the Budget Act shall be transferred each year upon the approval of the Director of Finance, for expenditure as necessary for the Department of Justice to administer this program.

(b) 3 percent of the amounts appropriated in the Budget Act shall be transferred each year upon the approval of the Director of Finance, for expenditure as necessary for the department to provide technical assistance to community-based organizations and nonprofit agencies providing services under this chapter. Nothing in this chapter precludes the department from providing technical assistance services through an independent agency or organization.

SEC. 4. Section 1915 of the Welfare and Institutions Code is amended to read:

1915. (a) The Department of the Youth Authority shall purchase, after a competitive bidding process, two medical devices that utilize a laser to remove a tattoo from a person's skin. The department shall determine, through a competitive bidding process, the placement of the two medical devices pursuant to the following guidelines:

(1) One of the medical devices shall be located within Los Angeles County and the other shall be located within one of the following counties: Alameda, San Francisco, San Mateo, Santa Clara, and Santa Cruz.

(2) Possible sites may include: a licensed health facility, a licensed health clinic, an educational institution,



or a probation office. The department may enter into an agreement with a licensed health facility to permit the health facility to use the medical device when it is not needed for tattoo removal pursuant to this section if the health facility provides tattoo removal services pursuant to this section free of charge.

(3) The medical devices shall remain the property of the state. However, they shall be used in conjunction with the tattoo removal program pursuant to this section for the functional life of the medical devices.

(b) Candidates for tattoo removal shall be screened by community groups working collaboratively with the operators of the sites of the tattoo removal devices. A male candidate for tattoo removal shall have a tattoo on his lower arm, hand, neck, or head. A female candidate for tattoo removal shall have a tattoo that would be visible in a professional work environment. To be eligible for participation, the presence of the tattoo must be deemed to present either a threat to the personal safety of, or an obstacle to the employability of, the candidate. Priority shall be given to candidates who have a job offer that is contingent upon removal of the tattoo. At the discretion of the organization that screens a candidate, a candidate for this tattoo removal may be required to complete 20 hours of supervised public service work in order to participate in this program. Parental consent shall be required before the tattoo of any person under 18 years of age is removed.

Community groups recommended pursuant to this subdivision shall meet the following criteria:

(1) Serve at-risk youth, exoffenders, exconvicts, or current and former gang members.

(2) Possess an established record of providing community-based services for at least one year to the persons described in paragraph (1).

(c) Community groups that participate in this program and the operators of the sites of the tattoo removal devices shall solicit the pro bono services of licensed health care providers to participate in the



program in order to increase the number of individuals served.

(d) It is the intent of the Legislature that at least 200 tattoo removals shall be performed at each tattoo removal site in its first year of operation. After two years of operation, community groups that participate in this program and the operators of each site shall report to the Department of the Youth Authority on the number of tattoo removals performed by each device and the success of the program in assisting individuals to join the work force. By March 1, 2000, the Department of the Youth Authority shall report these findings to the Legislature.

(e) It is the intent of the Legislature to expand these pilot programs as rapidly as possible to other areas of the state where there is gang violence and where there are active community-based gang violence prevention programs.

SEC. 5. There is hereby appropriated from the General Fund the following amounts:

The sum of four hundred eighty thousand dollars (\$480,000) to the Department of the Youth Authority for the following:

(a) The purchase or lease of four laser tattoo removal devices and maintenance agreements to be placed, respectively, in the Counties of Los Angeles, San Diego, Fresno, and Orange. The placement of the devices in the Counties of San Diego, Fresno, and Orange shall be determined in the competitive bidding process specified in Section 1915 of the Welfare and Institutions Code. The device for the County of Los Angeles may be placed at the site that ranked second in the competitive bidding process for the placement of the laser device purchased with funds provided by Senate Bill No. 526 of the 1997–98 Regular Session.

(b) Grants to the tattoo removal sites that are awarded tattoo removal devices through the competitive bidding process outlined in Section 1915 of the Welfare and Institutions Code. These grant funds may be used to contract with licensed health care providers for the



provision of tattoo removal services and tattoo removal support services, and for administrative, material, and other costs necessary for the provision of tattoo removals to targeted tattoo removal candidates.

(c) The administration of this tattoo removal grant program.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to prevent gang violence and prepare young people for gainful activity as rapidly as possible, it is necessary that this act take effect immediately.



Approved _____, 1998

Governor

